

APPENDIX A

Missouri Constitution and Statutes

The development and operation of such a vast residential community as Paddock Woods and the defendants' adjoining similar developments require the involvements of the State and its agencies. These involvements range from approval by regulatory agencies and their cooperation in the location, development and maintenance.

Missouri Constitution

Section 18(a) of the Missouri Constitution provides:

“§18(a). County government by special charter—limitation

Section 18(a). Any county having more than 85,000 inhabitants, according to the census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.”

Section 18(c) of the Missouri Constitution provides:

“§18(c). Provisions authorized in county charters—participation by county in government of other local units

“Section 18(c). The charter may provide for the vesting and exercise of legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside incorporated cities; and it may provide, or authorize its governing body to provide, the terms up-

on which the county shall perform any of the services and functions of any municipality, or political subdivision in the county, except school districts, when accepted by vote of a majority of the qualified electors voting thereon in the municipality or subdivision, which acceptance may be revoked by like vote."

St. Louis County Charter

Pursuant to these provisions St. Louis County has adopted a Home Rule Charter which provides for the legislative and administrative functions specified. (See Chapter 1003 of the St. Louis County Revised Ordinances.)

Also by §22(20) this Charter authorizes the County:

"(20) To exercise legislative power pertaining to public health, police and traffic, building construction, and planning and zoning in the part of the County outside incorporated cities, and on such other subjects as may hereafter be authorized by the Constitution or by law, provided that, until superseded by ordinances of the Council, the laws pertaining to said matters shall continue to be valid and effective;"

Missouri Statutes

Subdivision and Master Plan

The St. Louis County Planning Commission is empowered to prepare, adopt, amend, extend and carry out a master plan. §64.040 Mo. Stats. Ann. The purpose of the master plan is to bring about "coordinated physical development in accordance with present and future needs." §64.040. In developing the master plan the Planning Commission is charged "to conserve the natural resources of the county, to insure efficient expenditure of public funds,

and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants.” (Emphasis added.) *Ibid.*

Included within the scope of the master plan are, among other things, “studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams, and projects affecting conservation of natural resources” (*ibid.*).

From and after the adoption of the master plan and its proper certification and recording, no improvement of any type embraced within the recommendations of the master plan may be constructed or authorized without first submitting the proposed plans thereof to the County Planning Commission and receiving the written approval and recommendations of said Commission. §64.050.

With respect to the subdivision of land, the Planning Commission is empowered to prepare and adopt regulations providing for the “proper location of and width of streets, building lines, open spaces, minimum width and area of lots, street grading and paving, sewer, water and other utilities, which are necessary to avoid the congestion of population and to protect the public health, safety and general welfare.” §64.060.

The County is authorized to accept a bond to secure the actual construction by the subdivider of such utilities and improvements within the period prescribed by said regulations. The statutory language infers that such regulations shall be prepared with a view to advancing physical

development according to the master plan. Section 64.070 provides that no plat of a subdivision of land within the unincorporated area of the county shall be recorded until such plat shall first have been submitted to the Planning Commission.

Zoning

Section 64.100 provides that unincorporated territory may be divided into districts to carry out the purposes of §§64.010 to 64.160, and that within such districts, regulations governing buildings, structures and land may be made in accordance with a comprehensive plan giving reasonable consideration, among other things; "to the character of the district, its suitability for particular uses, conserving the value of buildings and of existing development, and encouraging the most appropriate use of land throughout the county."

The power to adopt zoning regulations is given to the county court "for the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan." §64.090.

The zoning power is extended to the height, number of stories, and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

